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Congress of the United States
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AND COMPETITIVENESS

April 7, 2008

Brian A. Benczkowski
Assistant Attorney General for Office
of Legislative Affairs
U.S. Department of Justice (DOJ)
950 Pennsylvania Avenue, NW, Room 1145
Washington, DC 20530

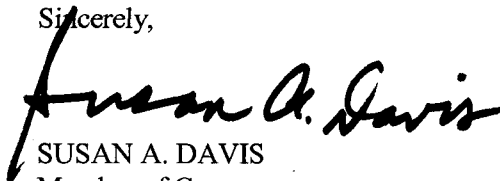
Dear Mr. Benczkowski:

I am writing regarding the seal inhabitation at the Children's Pool in La Jolla, California. As you may know, during much of the year, seals and sea lions are present on this small stretch of beach. Recently a local newspaper featured a story in which SeaWorld, a local research facility was given rare permission by the National Marine Fisheries Service (NMFS) to rescue two abandoned seal pups, due to human harassment. Because of the ongoing harassment of these animals I am writing to share my thoughts on this important issue.

In 2005 the National Oceanic and Atmospheric Administration (NOAA) issued an "Agency's Post Hearing Brief and Proposed Findings" in which they stated that NOAA has jurisdiction to enforce the Marine Mammal Protection Act (MMPA) at the Children's Pool and that any restriction on enforcing the MMPA would "greatly curtail the scope and usefulness of the statute (MMPA)." In December of 2006 NOAA's Office of Law Enforcement (OLE) sent a letter to the City of San Diego expressing concern that the "public will continue to harass marine mammals and continue to be subject to citation under the MMPA at Children's Pool Beach." OLE recommended to the City that they close Children's Pool during pupping season or at a minimum consider reinstating a rope barrier to provide a level of protection for adult and newborn seals. A year later, Joe Cordero, biologist for the NMFS stated in a court declaration, that it was in the best interest of the seals that "human beings be kept a reasonable distance" from the colony.

Because of the continued concerns of my constituents on this issue, the information from NOAA and the OLE, and the ongoing presence of seals at Children's Pool, I feel it is important that these mammals be protected from any potential human harassment. As a member of Congress and a resident of San Diego, I have seen how divisive this issue has been. In reviewing this case, I hope that the DOJ can help bring closure on an issue that continues to divide our community. If you have any questions or concerns about this request, please contact Ricardo Flores of my staff at (619) 280-5353.

Sincerely,


SUSAN A. DAVIS
Member of Congress